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09/544,493	04/07/2000	Sherman Janes	004698.P001	1791

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,493

Applicant(s)

JANES, SHERMAN

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,11,12,15,18,24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-10,13,14,16,17,19-23,26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

2. Applicant's submission filed on August 24, 2006 has been entered and made of record.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Amended Claims 1,3,4,6-10,13,14,16,17,19-23,26-28 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over amended claims 1,3,5-11,13 and 15 – 25 of copending Application No. 09/544,795. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1,3,4,6-10,13,14,16,17,19-23,26-28 correspond to the claims 1,3,5-11,13 and 15 – 25 of the copending application claims, except in the instant claims “receiving data from a network application program interface (API) of a sending client, the data comprising a portion of an event to be sent from the sending client to a receiving client; determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data;”, is referred in the copending application claims as “receiving a request for a ticket from a requesting client, the ticket to include an event summary identifying a set of events for which the requesting client is eligible; ... wherein the hierarchical database further comprises a directed acyclic group structure in which clients assigned to a particular group are eligible for events assigned to the particular group as well as events assigned to all ancestor groups of the particular group”. It would have been obvious to one having ordinary skill in the art to recognize that “eligibility determined by selector

data contained in the data, is equivalent to "eligible for events assigned to the particular group as well as events assigned to all ancestor groups of the particular group".

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Amended Claims 1,3,4,6-10,13,14,16,17,19-23,26-28 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over amended claims 1-8,10-34,39 and 42 – 48 of copending Application No. 09/544,898. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1,3,4,6-10,13,14,16,17,19-23,26-28 correspond to the claims 1-8,10-34,39 and 42 – 48 the copending application claims, except in the instant claims "receiving data from a network application program interface (API) of a sending client, the data comprising a portion of an event to be sent from the sending client to a receiving client; determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data; applying the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data;", is referred in the copending application claims as "receiving a request for a key at a key server, said request being received from a receiving client, said key to facilitate access to a multicast event by the receiving client, wherein the key is a symmetric key that a sending client uses to encrypt

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the multicast event and the receiving client uses to decrypt the multicast event;
determining if the receiving client is qualified to receive the key based on a ticket
previously obtained by the receiving client from a ticket server. It would have been obvious to one having ordinary skill in the art to recognize that "applying the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data", is equivalent to "a symmetric key that a sending client uses to encrypt the multicast event and the receiving client uses to decrypt the multicast event".

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

3. Applicant's arguments with respect to Claims 1, 3 and 4 have been fully considered but they are not persuasive. Applicant argues that the database 1350 is a "database of security associations" and "the database of selector/security association pairs is populated by a client when the client access key server 140 and receives keying information", provide further support that the database 1350 is local to the client (sending or receiving). Examiner disagrees and directs the Applicant's attention to instant specification Page 21 – 22 and in particular, Fig. 13 items 1310 and 1350. As disclosed, a security agent 1310 operates between the network API layer 1305 and

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network protocol layer 1315 and 1310 identifies a corresponding security association (for the datagram 1330) in database 1350. Furthermore, Applicant explicitly discloses that 1310 operates independent of the network or the application based on selector/security associations previously stored in database 1350. The instant application does not disclose that the database 1350 is "local sending client database of security associations".

With respect to "receiving client database", the bidirectional arrow between elements represent the request/response data flow and contrary to Applicant's arguments, disclosure in Pages 20 line 4 through page 23 line 2, the key server (page 6) located in a separate location and on separate machines (not local to the client). Key server maintains a separate database for matching requests for keys to particular events and both Fig. 12 and 13 explicitly defines databases used to identify a corresponding security association but the corresponding disclosure does not specify "receiving client database" not "local sending client database of security associations".

Examiner respectfully maintains the rejection and requests amending the claims, in particular to include the disclosure in the instant specification pages 20 – 23.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Amended Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended independent Claim 1 recites, "... creating a selector based on the selector data and using said selector to search a local sending client database of security..." and "...storing a receiving client database comprising a similar plurality ...".

With respect to "a local sending client" and "a receiving client database", although the specification discloses "A selector is part of a selector/security association pairthat is to be used by both a sending client and a receiving client to secure participation in the corresponding event" (see page 20 lines 18 – 23), the specification does not disclose a local sending client database of security and a receiving client database. Applicant amendment does not clarify the steps of "a local sending client database of security".

The dependent claims 3 and 4 are rejected at least by virtue of their dependency on the dependent claims.

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4. Regarding Claims 1,3,4,6-10,13,14,16,17 and 19-23, Applicant argues that Pensak does not teach "the receiving client storing a receiving client database comprising a corresponding plurality of selector/security association pairs received from the key server;". This argument is not persuasive.

Pensak explicitly teaches, "a database comprising corresponding plurality of selector/security association pairs" (Column 8 line 63 – Column 9 line 11). Pensak discloses that the database can be distributed or shared database residing on multiple remote servers and that the database that resides on the client provides a structure for associating segment IDs with an associated decryption key, policy associated with a segment ID, and options for accessing that segment. Furthermore, Applicant is not interpreting the prior art properly. Examiner pointed Pensak teaching in Column 8 line 64 – Column 9 line 15 to explicitly show that "database selector/security association pairs were received from said key server" and not to show that "the decryption keys are destroyed prior to the receipt of the next decryption key". In fact, Pensak only discloses that only the authorized user can destroy the decryption key or the association of a decryption key to a segment or document on the database using the Administrator utility. It is well known in the art that only the user with an administrator privilege can delete from the secure database.

Applicant is respectfully requested to apply the Examiner's admitted prior art to the Applicant's claimed invention.

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5. With respect to Claims 1,3,4,6-10,13,14,16,17,19-23,26-28, Applicant argues that Pensak does not teach “wherein, for any particular one of said timewise intervals of said event having a corresponding selector/security associated pair, the receiving client receives said corresponding selector/security association pair from said key server and stores said corresponding selector/security association pair in said receiving client database prior to receiving said particular one of said timewise intervals of said event”. This argument is not persuasive.

Pensak teaches “the user contacts the server independently for authoring, viewing and other services; verify the identity of the user; and provide the server with user identification information and user authorization profiles” (Column 5 lines 28 – 48), wherein, the client receives the selector/security association pair from the key server (206) prior to receiving said particular one of said timewise intervals of said event.

Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1, 6, 14, 19, 27 and 28. Dependent claims 3, 4, 7 – 10, 13, 16, 17, 20 – 23 and 26 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action.

Accordingly, the rejection for the pending Claims 1, 3, 4, 6 – 10, 13, 14, 16, 17, 19 – 23 and 26 – 28 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 3, 4, 6 – 9, 13, 14, 16, 17, 19 – 22 and 26 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pensak et al. (U.S. Patent Number 6,289,450).

7. Regarding Claims 1, 6, 14 and 19, Pensak teaches

receiving data from a network application program interface (API) of a sending client, the data comprising a portion of an event to be sent from the sending client to a receiving client (Summary and Column 2 lines 10 – 28);

determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data (Summary and Column 2 lines 10 – 28);

creating a selector based on the selector data and using said selector to search a local sending client database of security associations for at least one selector/security association pair identifying a security association corresponding to the selector, said database storing a plurality of selector/security association pairs received from a key server corresponding to different timewise intervals of said event, the receiving client storing a receiving client database comprising a similar plurality of selector/security association pairs received from said key server (Summary and Column 2 lines 10 – 57);

sending the data to which the security operation has been applied to a network protocol layer of the sending client (Summary and Column 3 lines 10 – 35);

wherein, for any particular one of said timewise intervals of said event having a corresponding selector/security associated pair, the receiving client receives said corresponding selector/security association pair from said key server and stores said corresponding selector/security association pair in said receiving client database prior to receiving said particular one of said timewise intervals of said event (Column 5 lines 28 – 48).

8. Regarding Claims 27 and 28, Pensak teaches a processing unit to:

receive a selector/security association pair identifying a security association corresponding to succession of time intervals of said event that are relatively short compared to said event duration (Summary and Column 2 lines 10 – 28);

receiving data from a network application program interface (API) of the sending client, the data including a portion of the event within one of said timewise intervals(Summary and Column 2 lines 10 – 28),

determine if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data(Summary and Column 2 lines 10 – 28),

create a selector based on the selector data, wherein said selector indicates at least one of said selector/security association received from the key server(Summary and Column 2 lines 10 – 57);

apply the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data(Summary and Column 2 lines 10 – 57), and

send the data to which the security operation has been applied to a network protocol layer of the sending client (Summary and Column 3 lines 10 – 35);

wherein the receiving client stores a receiving client database comprising a corresponding plurality of selector/security association pairs received from the key server (Column 8 line 64 – Column 9 line 11); and

wherein, for any particular one of said timewise intervals of said event having a corresponding selector/security associated pair, the receiving client receives said corresponding selector/security association pair from said key server and stores said corresponding selector/security association pair in said receiving client database prior to receiving said particular one of said timewise intervals of said event (Column 5 lines 28 – 48).

9. Claims 8 and 21 are rejected as applied above in rejecting claims 6 and 19.

Furthermore, Pensak teaches said event to be sent from the sending client to a receiving client storing a remote database comprising a corresponding plurality of selector/security association pairs respectively corresponding to said different timewise intervals of said event, wherein said timewise intervals of said event are relatively short compared to an overall duration of said event (Summary and Column 5 line 28 – Column 6 line 60).

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10. Claims 4 and 17 are rejected as applied above in rejecting claims 1 and 14.

Furthermore, Pensak teaches wherein said timewise intervals of said event are relatively short compared to an overall duration of said event, and wherein applying the security operation comprises at least one of: attaching a header to the data, said header including a security operation tag; and encrypting the data (Summary and Column 5 line 28 – Column 8 line 6).

11. Claims 13 and 26 are rejected as applied above in rejecting claims 6 and 19.

Furthermore, Pensak teaches applying encryption to the data; removing special packaging from the data; applying decryption to the data; and performing an integrity check on the data (Summary; Column 7 line 59 – Column 8 line 60).

12. Claim 20 is rejected as applied above in rejecting claim 19. Furthermore, Pensak teaches detecting a security operation tag in a header to the data; detecting failure of an integrity check (Summary; Column 5 line 50 – Column 6 line 60).

13. Claims 3 and 16 are rejected as applied above in rejecting claims 2 and 14.

Furthermore, Pensak teaches selector data is based at least in part on one of an internet protocol address taken from the data and a port indicator taken from the data (Summary; Column 5 line 50 – Column 6 line 60 and Column 7 line 59 – Column 8 line 60).

14. Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Pensak teaches detecting a security operation tag in a header to the data; performing an integrity check (Summary; Column 5 line 50 – Column 6 line 60).

15. Claims 9 and 22 are rejected as applied above in rejecting claims 8 and 21. Furthermore, Pensak teaches receiving client database selector/security association pairs and said sending client data base selector/security association pairs having been received from said key server (Summary; Column 5 line 50 – Column 6 line 60 and Column 8 line 64 – Column 9 line 15).

Allowable Subject Matter

16. Claims 10 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the disclosing in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the

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responses, to fully consider the references in entirety as potentially disclosing all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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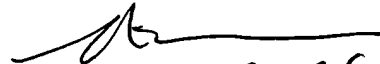
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Pramila Parthasarathy

October 07, 2006.



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10,16,06